

REMARKS

The Examiner requires restriction under 35 U.S.C. § 121 as follows: Group I, claims 1-6 (zeolite catalyst); Group II, claims 7-12 (process for making an epoxide); Group III, claims 7, 12-14 (process for making an aromatic alcohol); Group IV, claims 7, 12, and 15 (process for making a lactone); Group V, claims 7, 12, and 16 (process for making an oxime); Group VI, claims 7, 12, and 17 (process for making an alcohol); Group VII, claims 7, 12, and 18 (process for making a sulfone).

Applicants elect to prosecute Group I, claims 1-6 (zeolite catalyst) and respectfully traverse the requirement. All of the claims--catalyst and process--require a "polymer-encapsulated titanium zeolite." Thus, it can hardly be said that the inventions identified by the Examiner are both "independent and distinct" as the statute requires. Clearly, independence is lacking because a polymer-encapsulated titanium zeolite is needed in every catalyst or process defined by claims 1-18.

Additionally, Applicants believe that, despite the classification differences identified by the Examiner, a thorough search related to the subject matter of claim 1 will uncover the most relevant art related to claims 7-18 because the latter claims all require the polymer-encapsulated titanium zeolite of claim 1. Thus, searching all of the claims imposes no undue searching burden.

If the Examiner finds patentable subject matter in claim 1, he should conclude that claims 2-18 are also patentable because all of the subsequent claims incorporate the limitations of claim 1. Moreover, if claim 1 is found patentable, the Examiner should rejoin process claims 7-18 in view of the decision in In re Ochiai, 37 USPQ 2d 1127 (Fed. Cir. 1995), and current examination practice. When an elected product claim has been found allowable, the Examiner should rejoin withdrawn process claims that depend from or otherwise include all limitations of the allowed product claim and are commensurate in scope with the allowed product claim. See 1184 OG 86 (1996).

In view of the remarks above, the Examiner should reconsider and withdraw the restriction requirement. Applicants invite the Examiner to telephone their attorney at (610) 359-2276 if he believes that a discussion of the application might be helpful.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box. 1450, Alexandria, VA 22313-1450 on February 1, 2005.

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Respectfully submitted,

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